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UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

P J COTTER,

Plaintiff,

v.

U.S. BANK, N.A. AS TRUSTEE FOR  
GREENPOINT MORTGAGE  
FUNDING TRUST MORTGAGE  
PASS-THROUGH CERTIFICATES,  
SERIES 2006-AR4; OCWEN LOAN  
SERVICING, LLC; and TROTT LAW,  
P.C.,

Defendants.

Case No. 16-13080

Honorable Sean F. Cox

Magistrate Judge Anthony P. Patti

FILED  
OCT 17 P 1:11  
U.S. DIST. COURT CLERK  
EAST. DIST. MICHIGAN  
DETROIT

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PLAINTIFF'S UNOPPOSED MOTION TO WITHDRAW HIS  
EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION

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Plaintiff, P J Cotter, ("Cotter") respectfully moves the court to permit him to withdraw his *Emergency Motion for Temporary Restraining Order and Preliminary Injunction*.

Background and justification for withdrawal is addressed in the accompanying brief.

Respectfully submitted,

By: 

P J Cotter, Pro se

PO Box 131

Anchorville, MI 48004

810-459-6972

pocmich@yahoo.com

Date: October 17, 2016

### CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2016, I filed a hardcopy of the foregoing document with the Clerk of the Court, which will send notification of such filing to all registered recipients, and upon the following by first-class United States mail, with postage prepaid:

Nasseem S. Ramin  
**DYKEMA GOSSETT PLLC**  
400 Renaissance Center, 37th Floor  
Detroit, MI 48243  
nramin@dykema.com

Paul J. Santi  
**TROTT LAW, P.C.**  
31440 Northwestern Hwy  
Suite 200  
Farmington Hills, MI 48334  
psanti@trottlaw.com

Courtesy copies were sent to the email addresses above.



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pocmich@yahoo.com

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PLAINTIFF'S BRIEF IN SUPPORT OF HIS  
UNOPPOSED MOTION TO WITHDRAW HIS  
EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION

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Plaintiff, P J Cotter, ("Mr. Cotter") respectfully submits the following in support of his **Unopposed Motion to Withdraw His Emergency Motion for Temporary Restraining Order and Preliminary Injunction.**

As the motion is unopposed, oral argument is not requested.

## BACKGROUND

Mr. Cotter initially filed suit in Michigan's County courts. Mr. Cotter also sought a 'Show Cause Order.'

The action was removed to this court with agreement of all Defendants.

Mr. Cotter learned his property was to be sold October 13, 2016. He was receiving conflicting information regarding the sale from the parties.

Recognizing the Local Rules do not permit Show Cause Orders, Mr. Cotter filed his **Emergency Motion for Temporary Restraining Order and Preliminary Injunction** (the "Motion").

Mr. Cotter was copied on an email exchange on October 11, 2016, between Nasseem S. Ramin, of DYKEMA GOSSETT PLLC, representing the Trustee and Servicer and Ms. McCoy, Case Manager to the Honorable Sean F. Cox, which reads,

*Ms. McCoy,*

*"While we disagree with the arguments in the motion . . . the subject property will not be sold during the pendency of this case in this Court."*

Relying on the email exchange, which copied all parties, Mr. Cotter believes it is now proper to withdraw his Motion.

### **AUTHORITIES**

No rule specifically governs the withdrawal of filed documents. However, the rules that address withdrawal in other contexts suggest that it can be done only by motion. *See* FRCP 36(b) (withdrawing admissions by motion), FRCP 38(d) (withdrawal of demand for jury trial on consent of parties). Voluntary dismissal of actions, as opposed to withdrawal of documents, is governed by FRCP 41(a).

### **PLAINTIFF'S RESERVATION**

Mr. Cotter reserves the right to amend and refile the Motion should any Defendant or other party initiate a foreclosure by advertisement before this matter is fully adjudicated.

Respectfully submitted,

By: 

\_\_\_\_\_  
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ORDER

After considering Plaintiff, P J Cotter's *Motion to Withdraw His Emergency Motion for Temporary Restraining Order and Preliminary Injunction*, the Court

**GRANTS** the motion to withdraw.

SIGNED on \_\_\_\_\_, 2016.

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U. S. DISTRICT JUDGE / MAGISTRATE

APPROVED & ENTRY REQUESTED:

P J Cotter, Plaintiff, Pro se